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**BEFORE THE
 BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS
 DEPARTMENT OF CONSUMER AFFAIRS
 STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 901-A

NASER SAID SALEM
 P.O. Box 26021
 FRESNO, CA 93729

ACCUSATION

CIVIL ENGINEER LICENSE NO. C 59206

Respondent.

Complainant alleges:

PARTIES

1. David E. Brown (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs.

2. On or about February 26, 1999, the Board for Professional Engineers and Land Surveyors issued Civil Engineer License Number C 59206 to Naser Said Salem (Respondent). The license will expire on June 30, 2011, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board for Professional Engineers and Land Surveyors (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 118(b) of the Code provides that the expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

5. Section 6749 of the Code states, in pertinent part:

“(a) A professional engineer shall use a written contract when contracting to provide professional engineering services to a client pursuant to this chapter. The written contract shall be executed by the professional engineer and the client, or his or her representative, prior to the professional engineer commencing work, unless the client knowingly states in writing that work may be commenced before the contract is executed. The written contract shall include, but not be limited to, all of the following:

...

“(3) The name, address, and license or certificate number of the professional engineer,
and the name and address of the client.

• • •

“(5) A description of the procedure to be used by any party to terminate the contract.”

6. Section 6775 of the Code states, in pertinent part, that

"[T]he board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter

...

"(c) Who has been found guilty by the board of negligence or incompetence in his or her practice.

• • •

"(h) Who violates any provision of this chapter."

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1 COST RECOVERY

2 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 BAUER PROJECT

7 8. On or about March 27, 2005, Respondent entered into a contract with Shane Studer, a
8 draftsman hired by property owner Patricia Bauer, for Respondent to provide structural analysis
9 and design for a two-story house that was to be built on Bauer's property at 1115 Ocean View
10 Blvd. in Pacific Grove ("Bauer Project").

11 FIRST CAUSE FOR DISCIPLINE

12 (Negligence in Structural Calculations)

13 9. Respondent has subjected his civil engineer license to discipline under Code section
14 6775(c)—Negligence, in that he committed errors and omissions constituting negligence in his
15 Bauer Project structural calculations dated November 1, 2005. The circumstances are as set forth
16 in paragraphs 10 through 17, below.

17 10. Respondent failed to determine the amount of fillet welding required to create
18 moment-resisting joints in any of the required steel frames.

19 11. Respondent failed to use the worst-case reactions given in the frame analyses in his
20 design of the steel column base plate.

21 12. Respondent failed to calculate any of the numerous pad-type footings.

22 13. Respondent used an overly high coefficient of friction for resistance to retaining wall
23 sliding.

24 14. Respondent used an overly high passive pressure for resistance to retaining wall
25 sliding.

26 15. Respondent failed to provide calculations for design of above-grade concrete walls
27 and their anchorages to the diaphragms.
28

1 16. Respondent entered seismic forces for analysis of each steel frame at service levels,
2 but further reduced the forces in the load combinations, causing invalid results.

3 17. Respondent failed to provide analysis for the special hold-down footings required for
4 the "Simpson Strong-Walls."

5 SECOND CAUSE FOR DISCIPLINE

6 (Negligence in Structural Drawings)

7 18. Respondent has subjected his civil engineer license to discipline under Code section
8 6775(c)—Negligence, in that he committed errors and omissions constituting negligence in the
9 structural drawings he prepared for the Bauer Project on or around November 1, 2005. The
10 circumstances are set forth in paragraphs 19 through 26, below.

11 19. The driller pier dimensions noted on Drawing S-1a failed to match those shown in
12 Detail 7/S-D2.

13 20. The shear wall schedule on Drawing S-1a allowed the substitution of drilled-in
14 anchors for anchor bolts, but failed to specify their required embedment.

15 21. The foundation size noted on Drawing S-1a for the "Simpson Strong Walls" in the
16 "Foundation Notes" did not match the size noted in the "Legend" on that same drawing.

17 22. Drawing S-1a contained two notes that called out differing plate washers at anchor
18 bolts.

19 23. Drawing S-1a failed to show footings to support the porch located adjacent to the
20 Study, though architectural Section F/A-6 showed footings (but no sizes).

21 24. The drawings consistently called above-grade concrete walls "CMU."¹

22 25. Detail 15/S-D1 showed a wood ledger, but failed to specify anchorage.

23 26. Construction of the fireplace enclosure was unclear.

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¹ "CMU" is an abbreviation for "concrete masonry unit."

1 THIRD CAUSE FOR DISCIPLINE

2 (Incompetence in Structural Calculations)

3 27. Respondent has subjected his civil engineer license to discipline under Code section
4 6775(c)—Incompetence, in that he demonstrated incompetence in his Bauer Project structural
5 calculations dated November 1, 2005. The circumstances are set forth in paragraphs, 28 through
6 29, below.

7 28. Respondent failed to properly understand coefficients regarding the approximate
8 building period, and he incorrectly used the same formula for “steel moment-resisting frames” as
9 for “other buildings.”

10 29. Respondent failed to properly understand coefficients used for resistance to lateral
11 sliding, and his “soils data” assumptions used an incorrect allowable soil friction coefficient.

12 FOURTH CAUSE FOR DISCIPLINE

13 (Incompetence in Structural Drawings)

14 30. Respondent has subjected his civil engineer license to discipline under Code section
15 6775(c)—Incompetence, in that he demonstrated incompetence in the structural drawings he
16 prepared for the Bauer Project on or around November 1, 2005. The circumstances are set forth
17 in paragraphs 28 through 38, below.

18 31. Respondent’s numerous errors on the “final” submittal documents, rendered the
19 structure unbuildable.

20 32. Respondent failed to provide sufficient details for foundation, floor, and roof framing
21 in most areas of the building.

22 33. Detail 1/S-D2 identified bolts being placed into “solid grout” for a concrete wall.

23 34. Detail 5/S-D2 supposedly indicated anchorage at the top of the concrete walls to the
24 roof diaphragm, but the connections shown were severely inadequate.

25 35. For the steel frame elevations shown on Drawing S-D2, there were few dimensions,
26 none of the moment-resisting connections was properly detailed, welding requirements and
27 inspection of them could not be properly determined, and member sizes called out were cryptic at
28 best.

36. Detail 7/S-D2 called out meaningless components and different pier diameters.

37. Respondent failed to show anchorage detail for the interior suspended concrete planks around the fireplace called for by Drawing A-3.

38. Respondent ignored the transfer of lateral forces from the roof diaphragm to the shear wall below on Drawing A-4, right elevation.

FIFTH CAUSE FOR DISCIPLINE

(Incomplete Written Contract)

39. Respondent has subjected his civil engineer license to discipline under Code section 6775(h)—Violation of Professional Engineers Act, in that in the contract for the Bauer Project, he violated Code section 6749—Written Contract Requirements. The circumstances are set forth in paragraphs 40 through 41, below.

40. Respondent failed to include his license number, in violation of Code section 6749(a)(3).

41. Respondent failed to include a description of the procedure used to terminate a contract, in violation of Code section 6749(a)(5).

DISCIPLINARY CONSIDERATIONS

(Other Errors and/or Omissions)

42. To determine the appropriate degree of discipline in this case, Complainant further alleges that Respondent committed the following errors and/or omissions on the Bauer Project.

43. Respondent incorrectly assumed that inspection during construction was not required of 1) several above-grade, cast-in-place concrete walls, and 2) drilled, cast-in-place concrete pier-type foundations.

44. Respondent's structural calculations incorrectly assumed allowable soil bearing pressures of both 1000 pounds per square foot and 1500 pounds per square foot.

45. Respondent incorrectly assumed that a concrete wall located next to the study would not act as a shear wall, when in fact, the stiffness of the wall would make it very likely to absorb seismic movement.

1 46. Several computer analysis sheets from Respondent's structural calculations dated
2 April 25, 2006, have meaningless results and should have been corrected (e.g. Beams B6 and
3 B17).

4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and
6 that following the hearing, the Board for Professional Engineers and Land Surveyors issue a
7 decision:

8 1. Revoking or suspending Civil Engineer License Number C 59206, issued to Naser
9 Said Salem.

10 2. Ordering Naser Said Salem to pay the Board for Professional Engineers and Land
11 Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to
12 Business and Professions Code section 125.3;

13 3. Taking such other and further action as deemed necessary and proper.

14 DATED: 6/3/10

Original Signed

15 DAVID E. BROWN
16 Executive Officer
17 Board for Professional Engineers and Land Surveyors
18 Department of Consumer Affairs
19 State of California
20 Complainant

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22 accusation.rtf
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